

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
May 5, 2003

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Craft and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

Motion was made by Council Member Council and seconded by Council Member Dunn to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF CONSENT AGENDA - APPROVED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes of the March 24, 2003 joint City Council/Comprehensive Plan Committee meeting; the March 31, 2003 joint City Council/Greenville Utilities Commission meeting; the March 24, April 3, April 7, and April 10, 2003 City Council meetings; and the April 16, 2003 tour with the Affordable Housing Loan Committee
- (2) Consideration of various tax refunds.

<u>Name</u>	<u>Reason</u>	<u>Amount</u>
Cynthia Anne Mills	Prorate taxes on vehicle	\$205.24
Porsche Leasing Ltd.	Prorate taxes on vehicle	\$144.37
Lucy G. Montaquila	Refund portion of taxes paid due to payment on incorrect parcel	\$132.66
- (3) Ordinance establishing a controlled residential parking area on East Ninth Street between Evans Street and Forbes Street (Ordinance No. 03-37)

PRESENTATION BY DR. MICHAEL PRIDDY REGARDING PROPOSED PITT COUNTY SCHOOLS FACILITY NEEDS

Dr. Michael Priddy, Superintendent of Pitt County Schools, informed the City Council that Greenville has a vibrant school district that has been growing for years and will continue to grow. Recently the Pitt County School Board contracted with Smith Sinnett Associates to look at the school's facility needs. The consulting firm produced a report indicating that the Pitt County School System will see at least 3,500 more students over the next nine years. For the first time, the Pitt County Schools have seated 20,000 students this year and enrollment is expected to exceed 21,000 in the coming year. The School Board's improvement plans over the last twelve to fourteen years have included approximately \$100 million in improvements, and students are still being served throughout the County with portable units. Smith Sinnett Associates' report explains what it will take to house all of the county's children. In addition to this, the South Central High School is projected to fill up in the next two years as grade levels are added. D.H. Conley High School is also projected to grow and J.H. Rose will probably remain where it was if not smaller when redistricting began because of the growth that has been seen in the rest of Greenville. The School Board has a real challenge ahead.

Dr. Priddy stated that he did not know what the analysis will produce as a final recommendation to the Board of Commissioners who are responsible for helping the School Board address the needs in terms of the physical aspects. His feeling is that the report will call for additional space throughout the county, particularly in the Greenville and the Winterville area, in terms of new schools and improvements and additions at middle schools and refurbishing at the four high schools that were built in the 1970's. Dr. Priddy stated that the five elementary schools within the City of Greenville are housing children in 37 portable units or trailers. For this issue to be addressed, additional land that the School Board does not currently have would be needed. As the City has developed its concept plan over the past 12 months, there has been consideration for a new school site in part of the redeveloped area and for an expanded site at the Sadie Saulter Elementary School. The School Board would appreciate the City Council seriously considering the two locations and would be happy to entertain a conversation with the City about acquiring the properties. The School Board presently has property that is used as an administrative site and houses some preschool classrooms on Third Street that might be of some value to the City. If possible, these two parcels might be something the School Board will want to discuss in terms of an exchange or some kind of transaction. The School Board needs additional capacity and would like for some of that capacity to be in areas that serve the residents of Greenville. This would be a good investment for the School Board and for the City of Greenville.

Dr. Priddy stated that it is hard to put a dollar figure on what the School Board would be able to do at this point, because they are still in their investigative and review stages. Of the \$216 million, he anticipates that the School Board will need to invest in the next six years, about \$100 million, about as much as has been invested in the last 12 or 14 years because of accelerated growth. Of the \$100 million, including available land particularly in the downtown area and expanding Sadie Saulter as well as improvements at other schools within Greenville's City limits, Dr. Priddy stated that he could picture an investment of approximately \$20 million, which would be a substantial contribution to the future of Greenville and would show good faith on the part of the School Board in terms of investing in the core of the county. It would also pay long

term dividends because schools bring good additional growth which would be advantageous to both the City of Greenville, the School Board and to the residents and children.

Dr. Priddy informed the City Council that the City Manager, City staff and County staff had helped Smith Sinnett Associates put together necessary data that was needed on Greenville as well as other parts of the county. The School Board feels that they have a good report that will produce good outcomes in the long run. It is hoped that the Board can work with the City to ensure that the needs of the children of Greenville and the residents of Greenville are met. Dr. Priddy introduced Jill Camnitz, Chairman of the School Board.

Dr. Priddy stated that one of the meetings is tonight at Welcome Middle School beginning at 7:30 with general business being conducted first and then the board will discuss facility needs. The School Board will meet again on May 8, 2003 at Grifton Middle Elementary School for the fifth meeting. A joint meeting with the Pitt County Commissioners will be held Monday, May 12, 2003, at North Pitt High School starting with a dinner at 6:00 p.m. and a meeting at 7:00 p.m. to discuss the general operating budget. The School Board will be presenting an overview of the school's facility needs at this time.

Upon being asked if the new facilities had anything to do with the "No Child Left Behind" law and if the facilities are needed to reach the goals of that new law, Dr. Priddy replied that the "No Child Left Behind" legislation at the Federal level is currently in effect for the first time this year. That law deals with the curriculum. In order to reach that goal, the schools will be able to work in smaller settings with some of the students.

City Manager Davis thanked Dr. Priddy for his comments and reiterated that the report had talked about four elementary schools and one middle school over a 12-year interval. City Manager Davis stated that the location of these schools will have a tremendous impact on growth, facilities and services that the City will need to provide. As the Board of Education continues to make progress through the facilities plan, the City Council and staff would like to encourage communication and conversation in regard to the plan.

Dr. Priddy stated that Greenville is a vibrant community and the City Council and staff are working to make it even more so with the work that is being done to create an attractive central business district or core area. Many school systems in America have gone the wrong way by locating schools in rural/suburban areas, which has pulled people out causing a loss in the strength of the central city. Dr. Priddy concluded by stating that he hopes that everyone can work closely together to be sure that there are schools in the City of Greenville that will draw people in and create that vibrancy that is essential to the future and the health of the City.

Mayor Parrott stated that urban sprawl costs more money for the City to serve the taxpayers because it is spread out so far. It is important for Greenville to draw back inwards and that will require the School Board's help in developing good schools in Greenville's downtown area in the inner city. The City Council appreciates what had been done in the Facilities Plan. The City will try to work as close as possible with the Board of Education to assure that they can reach some of the goals.

Upon being asked if Eppes Middle School would continue to be a county school site, Dr. Priddy replied that the School Board does not intend nor does it have the means to give up the C.M. Eppes Middle School site. It is a facility that is serving its purpose, is spacious enough for the middle school program, is well kept, and the location is within the City, which allows the School System to serve the population.

Upon being asked what needs to be done to solve the problem of Sadie Saulter being out of capacity, Dr. Priddy replied that is one of the five elementary schools that serve children in trailers. He would like to see a plan that incorporates additional land for Sadie Saulter. Dr. Priddy suggested that the City acquire the land between what will be the new Tenth Street and the backside of Sadie Saulter during the acquisition of land for the Tenth Street Connector project. A facility or wing could be added on that land to address the eight trailers and perhaps create additional capacity. This area could be used as a part of the gateway to the City in terms of the landscaping and the appearance of the building.

QUARTERLY PRESENTATIONS BY BOARDS AND COMMISSIONS

Convention and Visitors Authority

Mr. Bob Simon, Chairman of the Convention and Visitors Authority, informed the Council that Exhibit Hall Managers and the Convention and Visitors Bureau were duplicating efforts on marketing Greenville. They have defined their target customer and have begun marketing in a more efficient way to get the best use of the marketing dollars available. About 90 groups have events here each year. For the first year of the convention center, there were 150 event days. Consumer and trade shows were very important for that success. The Authority will be actively targeting several day events at the convention center in order to get overnight business.

Pitt-Greenville Airport Authority

City Manager Davis reported that since the Airport Manager gave an extensive annual report for the airport on April 28, a presentation would not be made tonight.

Recreation and Parks Commission

Mr. David Reid, Chair of the Recreation and Parks Commission, informed the Council that next year Sports Illustrated, for its fiftieth anniversary, will be sponsoring a different town for each of 50 different weeks to show where sports got started. It will be called Sports Town USA. Greenville has submitted a video for consideration.

DISCUSSION OF PROPOSED BALANCED 2003-04 CITY OF GREENVILLE BUDGET

Council Member Little suggested that there are some personnel expenses from the FY 2002-2003 budget that can be used to cover the \$562,000 that would be obtained from a \$.02 tax increase. He suggested that the staff use those funds and continue to look at and fine tune operations.

Council Member Glover stated that she felt the City needed to trim its budget to obtain the \$562,000 needed to balance the budget instead of raising taxes. The City needs to trim its budget. She said that they need to consider the citizens and the issues they are suffering from. The City needs to be a better steward of the taxpayers' money. She asked for another budget with more cuts rather than a tax increase.

Mayor Parrott expressed that the City is a good steward. Needs have been cut drastically before they get to the City Council. A tax increase, in addition to a utility increase and the stormwater fee, can be burdensome; however, when the budget is cut, services have to be cut. Greenville is a growing city with a lot of needs. This Council is going to have to make some tough decisions, which it has demonstrated that it can do.

Mayor Pro-Tem Miller stated that he had feedback from 14 people about the tax increase. Twelve were not in favor of a tax increase, one was, and one was in favor if there is nothing else left to do. The City has been resourceful. He suggested creative ways could be found to keep the positions requested and to avoid increasing the tax rate. An example is negotiations for employee hospitalization premiums, which could decrease the premiums that were budgeted. The committee will be asked to discuss the benefits.

Mayor Parrott stated that positions have been requested and several not approved. Yet the staff is expected to give more service and quality of service. At some point, some of the positions are going to have to be funded.

Council Member Dunn stated that she has heard from 14 people regarding the tax increase. Of those, four were in favor and said that they couldn't expect to grow without revenues and four were opposed. Six stated that they didn't want a tax increase but did not want to have their services cut, so they said to raise the taxes if the Council has to. This is a reasonable budget. The City has a good workforce and she is appreciative of what it does. The staff worked hard to get the budget together. Council Member Dunn expressed that the City needs to keep insurance for City employees. She doesn't believe there is wasted money in the budget.

Council Member Craft echoed what had been said and asked when the next sales tax report will be received.

City Manager Davis reported that the one for January through March should be received by May 15. He stated that the FY 2003-2004 budget situation is not being taken lightly. What concerns him most are the compounding needs that are not being addressed. Capital and personnel needs are increasing dramatically and they are compounding. The City always budgets for 100% of vacancies, but because of employee turnover, along with identifying ways to accomplish tasks without new hires, money is left over each year for personnel slots. Those funds will be there at the end of the year. He believes in budgeting conservatively. One and a half to two percent of the budget is needed at the end of the year for capital reserve and for disasters. There are some funds appropriated for fund balance; however, he is not in support of using fund balance since it is a one-time source of revenue. There need to be funds in reserve for some major projects.

Council Member Little stated that he would like for the City to look at a policy where the money is set aside for Capital Reserves up front.

Council Member Dunn asked how much professionals suggest to be set aside for contingencies.

City Manager Davis replied that five percent contingency is what one looks for.

Mayor Parrott stated that revaluation is next year and the economy should be better. No one on the Council wants to put more burden on the taxpayers. Expenses are looked at thoroughly. If there is not a tax increase, the City will have some increases in personnel that it has to catch up with in later years.

PRESENTATION AND DISCUSSION OF PROPOSED PUBLIC AND PRIVATE CLUB SAFETY IMPROVEMENTS

Deputy City Manager Bill Richardson informed the Council that City staff and the Board of Adjustment have been working on recommendations for public and private club safety improvements for several months. The regulations create a mechanism for ongoing evaluation and monitoring of all clubs for security and safety issues by requiring annual special use permit renewals approved by the Board of Adjustment for all public and private clubs within the City. Existing nonconforming clubs would be amortized over a one-year period to an annual permit renewal process. An individual and safety plan for each club as a condition of the special use permit would be required. A minimum separation requirement between clubs would be established to reduce patron congestion due to the concentration of clubs within an area. A separation requirement from churches, child and adult day care centers, schools, etc. would be provided. Special use permit standard conditions would be revised while continuing to impose specific special use permit conditions based on the individual characteristics and uniqueness of each club establishment. Specific recommendations are proposed in four areas which would be refined after meetings and input from nightclub/bar owners, uptown businesses, and interested parties and necessary City Code changes recommended to Council by the Planning and Zoning Commission. These four areas are amortization, public or private club safety plan, separation requirement, and revised special use permit standard conditions. The recommendations are as follows:

Amortization

It is proposed that the legal nonconforming status of public/private clubs in any zoning district and the legal nonconforming status billiard parlors/pool halls located in the Downtown Commercial (CD) district be amortized over a one-year period. Within the one-year amortization period, owners would apply to the Board of Adjustment and obtain a special use permit under the new standard. Within the amortization period, there will be no fee for the initial application; afterward, there will be a reduced renewal fee. Eleven nonconforming public or private clubs citywide and one nonconforming billiard parlor/pool hall in the CD district would be affected. Amortizing the nonconforming billiard parlor/pool hall in the CD district would place this establishment under the same special use permit annual renewal requirement as new billiard parlors/pool halls.

Establishments currently operating under an approved special use permit would continue to operate until the expiration date of their permit but would renew under the new standard at the reduced renewal fee. Nine public or private clubs with special use permits would be affected.

Special use permit applications for new public and private clubs citywide or billiard parlors or pool halls located in the CD district would pay the initial application fee in effect and obtain the special use permit under the new standard. Renewals would be at the reduced fee.

Public or Private Club Safety Plan

The Board of Adjustment would require a security and safety plan as a special use condition, addressing emergency contact information, on-site personnel, on-site security and safety, exterior lighting, noise control, trash and litter control, and fire safety and evacuation plans. The Plan would be reviewed by the Police, Fire/Rescue, Public Works, and Planning and Community Development Departments with a recommendation to the Board of Adjustment

Separation Requirement

A 500-foot separation requirement for new, expanded, or enlarged public or private clubs citywide and billiard parlors/pool halls within the CD district would be required to reduce patron congestion in areas of club concentration. Separation would also be required between clubs, billiard parlors/pool halls, churches, public parks and recreational facilities, public libraries, child day care, adult day care, schools, residential zoning districts, etc.

Revised Special Use Permit Standard Conditions

The special use permit shall be for a period of one year and must be renewed annually. It shall be the responsibility of the owner/operator to make timely application for permit renewal. The owner/operator shall collect and properly dispose of all litter, trash, or debris generated by the establishment no later than one hour following the closure of business after any period of operation or no later than 4:00 a.m. during any period of operation, whichever is earlier. All litter, trash or debris shall be collected from within the property boundaries of the establishment and associated parking areas, adjacent sidewalks and public rights of way, or other adjacent public property open to the public.

The owner/operator shall comply with the provisions of Title 11, Chapter 9, entitled "Litter Control in Parking Lots" of the Greenville City Code, as may be amended, whether or not the establishment is a nightclub, bar or tavern. The owner/operator shall comply with the maximum occupancy limit established in accordance with the provisions of the North Carolina State Building Code. The owner/operator shall comply with the provisions of Title 12, Chapter 5, entitled "Noise Control" of the Greenville City Code, as may be amended. The owner/operator shall comply with the security and safety plan for the establishment as approved by the Board of Adjustment. Said security and safety plan shall include all buildings, associated parking areas, on-site open spaces, and adjacent sidewalks; and address the number and duty of on-site security personnel, number and method of controlled entrances and exits, type of exterior lighting and other measures which are designed to protect the public health and safety during all hours of

operation including pre-opening and post-opening periods when establishment employed personnel are on the premises.

Any owner/operator other than the owner/operator who initially was granted the special use permit shall sign and file in the Office of the Zoning Enforcement Officer an acknowledgement of an understanding of the special use permit and its conditions prior to commencing operation of the public/private club. The Board of Adjustment may, on recommendation of the Zoning Enforcement Officer and after the provision of notice and opportunity to be heard, require that an application be submitted, prior to the time for annual renewal application, upon finding that the establishment is either injurious to the public health or safety or constitutes a nuisance or hazard. In the event the application is denied by the Board of Adjustment, the special use permit shall be null and void. The Board of Adjustment shall, upon recommendation of the Zoning Enforcement Officer and after the provision of notice and opportunity to be heard, rescind and revoke the special use permit in accordance with the provisions of Section 9-4-83 of the Greenville City Code in the event the Board determines that any of the terms, conditions or restrictions of the special use permit are not being complied with. If the establishment is discontinued for a period of 180 continuous days, the special use permit shall become automatically null and void and the continuance of the establishment shall be subject to permit renewal. The anticipated schedule for this is to have meetings with nightclub/bar owners, uptown businesses and interested parties, to submit City Code text changes to the Planning and Zoning Commission for consideration at a June or July meeting, and to submit it to City Council for action in July or August.

Upon being asked if the special use permit would reside with the facility or the operator, Deputy City Manager replied that it would go with the facility. City Attorney Holec stated that the reason for that is that this is a land use issue.

Mayor Pro-Tem Miller expressed that there may need to be verbiage added about rental operations and/or whether a property is new or expanded.

City Attorney Holec stated that there are definitions in the Zoning Ordinance for that.

REPORT ON ENVIRONMENTAL DISCUSSIONS REGARDING THE ROUTING ALTERNATIVES OF THE SOUTHWEST BYPASS

Mr. Tom Tysinger, Director of Public Works, informed the City Council that staff has been acting as Lead Planning Agency for the Metropolitan Planning Organization and has been working with the North Carolina Department of Transportation, the Federal Highway Administration and several environmental agencies on the different routings that are being looked at for the South West Bypass. The Merger Process was developed by the North Carolina Department of Transportation and the environmental agencies to help reach a consensus between the planners, engineers and environmentalist so that at the end of the process there will not be any further discussion or any chance that people will come up and find a new problem that has not been anticipated. The Chair of the Coordinating Committee is on the Merger Team for the local area. The North Carolina Department of Transportation, the Federal Highway Administration, CORE of Engineers, Division of Water Quality, US Fishing and Wildlife, State Division of Air Quality, State Historic Preservation office, the North Carolina Wildlife

Commission and the USCPA are all representatives of the Merger Team. At one time during the process there were up to 12 different alternatives being reviewed at the same time.

Mr. Tysinger delineated the map showing the different alternatives. The alternative that created the most concern was improving the existing Memorial Drive and Stantonsburg Road. The goal is to end up with two or three alternatives to consider. The next step in this process towards identifying a preferred alignment will involve a public hearing in August or September. The team will solicit public input on the alternatives that are left on the study list. After the public hearing in December or January, the Merger Team will meet again and will pick a preferred alignment. That is what is referred to as the least environmental damaging practical alternative. Once that is identified, the Department of Transportation will do a full environmental impact study on that one core that will take approximately a year. At the end of that time there will be another series of public meetings and a directive decision will be made to identify that single alternative as the one that the team will move forward with. Right now, the State Transportation Improvement Program's right-of-way acquisition is scheduled to begin by FY 2006 on this project. The construction for the project is not yet scheduled and that means the project is outside the 7-year life of the State Transportation Improvement Program.

Upon being asked if there is any way the project could be brought into the seven-year term of the Transportation Improvement Program, Mr. Tysinger replied that there was a great effort of the new Board of Transportation to shorten the process and he felt there would be some short cuts made to help get the project inside of the 2009 timeframe. The City will be very lucky if that happens. The draft Transportation Improvement Program shows that the project is somewhere around \$115 million.

Council Member Council stated that the businesses in the Dickinson Avenue area are concerned about being trapped for business and asked if there was anything that could be done to ease that burden.

Mr. Tysinger replied that Council Member Council was talking about the Moye/Hooker project and not the South West Bypass project. The Dickinson Avenue and Memorial Drive intersection is presently under construction by North Carolina Department of Transportation to flatten the curb and make it safer. The City is also constructing the Moye/Hooker Connector and is meeting regularly with these business owners in the Dickinson Avenue area. A new schedule has been worked out that will accommodate their businesses.

Upon being asked if the decision regarding the placement of the road would be the next step, Mr. Tysinger replied that it was and that it was a crucial step because it allows staff to begin protecting the right of way of that road. Now this cannot be done because there is not an alignment.

Upon being asked if someone could interrupt the decision after the determination is made, Mr. Tysinger replied that it is possible that an agency, business or landowner could decide to take exception and file a suit to stop the progress. The goal of this process is to eliminate those concerns so that when a decision is made then all the groups are together and move forward.

Upon being asked when discussions originally began regarding the South West Bypass, Mr. Tysinger replied that discussions started about the time the North West Bypass was approved for construction 12 years ago.

City Manager Davis stated that the environmental regulations were not the City's, but the City tried to be an advocate for keeping the project moving. North Carolina Department of Transportation Board Member Marvin Blount III has also done great things trying to cut some of the environmental red tape from this project. It is everyone working together trying to keep this project moving forward.

REVIEW OF MAY 8, 2003 CITY COUNCIL MEETING AGENDA

The Council did a cursory review of the items on the May 8, 2003 City Council agenda and reviewed the appointments to Boards and Commissions.

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Dunn thanked the staff for getting the budget done and for preparing the information that was requested by the Council Members. She also thanked the citizens for the telephone calls regarding the proposed tax increase.

CITY MANAGER'S REPORT

Town Hall Day

City Manager Davis reminded the Council that Town Hall Day is May 21. The City's minibus will be available to take people from City Hall at approximately 8:30. Officials from other towns will also be going on the mini-bus.

Increased Compliance with the Zoning Ordinance

City Manager Davis stated that there have been vacancies in the Planning and Community Development Department along with frozen positions. As soon as additional staff is hired, the service will speed up and be more efficient.

Report on to-date efforts by the Ferguson Group for earmarks from the U.S. Congress

City Manager Davis distributed a report from the Ferguson Group that provided information on the requested earmarks.

Status of Initiatives

City Attorney Holec provided a status report on the 2003 legislative initiatives that were approved by City Council.

Worthless Check Program. This local bill adds Pitt County to the list of counties where a worthless check program may be established by the District Attorney. Additional bills granting

this authority to other counties have been introduced. A bill has also been introduced which extends this authority on a statewide basis. Since funding is necessary for such programs to be included, these bills are not subject to the crossover deadline. All of these bills have been referred to the House Committee on Judiciary. It is expected that they will be addressed by this Committee during the next few weeks.

Emergency Telephone System Fund. This local bill expands the permissible expenditures of this fund to include communications equipment. Additional bills granting this authority to other counties have been introduced. A bill has also been introduced which extends this authority on a statewide basis. These bills are not subject to the crossover deadline. They have been referred to the House Committee on Public Utilities. There remains significant opposition to these bills by the public communication lobbyists.

Southwest Bypass. The members of the local legislative delegation continue their efforts in seeking methods to expedite the construction of the Southwest Bypass Project.

TSA

City Manager Davis stated that the Greenville Police Department has been providing off-duty police officers when planes are landing or deplaning. The TSA has given 30-day notice of canceling that grant, which means the City may not have to provide that service. The City will do whatever it takes to keep planes flying to and from Greenville.

Police Memorial Service

City Manager Davis informed the Council that the Police Memorial and Awards Ceremony will be held on May 16 at 3:00 p.m. in the City Council Chambers.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Little to adjourn the meeting at 8:15 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk